

# In the United States Court of Federal Claims

## OFFICE OF SPECIAL MASTERS

No. 15-1021V

Filed: January 22, 2016

Unpublished

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CHRISTINA L. MURRAY,

Petitioner,

SECRETARY OF HEALTH  
AND HUMAN SERVICES,

Respondent.

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Ruling on Entitlement; Concession;  
Influenza ("Flu") Vaccine;  
Shoulder Injury Related to Vaccine  
Administration ("SIRVA");  
Special Processing Unit ("SPU")

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*Stephen Joseph Mathieu, Stephen J. Mathieu Attorney, Beaverton, OR, for petitioner.  
Justine Elizabeth Walters, U.S. Department of Justice, Washington, DC, for respondent.*

### **RULING ON ENTITLEMENT**<sup>1</sup>

**Dorsey**, Chief Special Master:

On September 14, 2015, Christina L. Murray ("petitioner") filed a petition for compensation under the National Vaccine Injury Compensation Program, 42 U.S.C. §300aa-10, *et seq.*,<sup>2</sup> [the "Vaccine Act" or "Program"]. Petitioner alleges that she suffered "a causation-in-fact rotator cuff tear injury resulting from the improper injection of a seasonal influenza vaccine administered on September 19, 2013." Petition at 1. The case was assigned to the Special Processing Unit of the Office of Special Masters.

On January 20, 2016, respondent filed her Rule 4(c) report in which she concedes that petitioner is entitled to compensation in this case.<sup>3</sup> Respondent's Rule

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<sup>1</sup> Because this unpublished ruling contains a reasoned explanation for the action in this case, the undersigned intends to post it on the United States Court of Federal Claims' website, in accordance with the E-Government Act of 2002, Pub. L. No. 107-347, § 205, 116 Stat. 2899, 2913 (codified as amended at 44 U.S.C. § 3501 note (2006)). In accordance with Vaccine Rule 18(b), petitioner has 14 days to identify and move to redact medical or other information, the disclosure of which would constitute an unwarranted invasion of privacy. If, upon review, the undersigned agrees that the identified material fits within this definition, the undersigned will redact such material from public access.

<sup>2</sup> National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3755. Hereinafter, for ease of citation, all "§" references to the Vaccine Act will be to the pertinent subparagraph of 42 U.S.C. § 300aa (2012).

<sup>3</sup> By filing her Rule 4(c) report on January 20, 2016, respondent has satisfied the undersigned's December 18, 2015 order requiring a status report regarding her intentions in this case.

4(c) Report at 1. Specifically, respondent “has concluded that a preponderance of the evidence establishes that petitioner’s injury is consistent with a shoulder injury related to vaccine administration (“SIRVA”), and that petitioner’s injury is not due to factors unrelated to her September 19, 2013, flu vaccination.” *Id.* at 4. Respondent further agrees that petitioner has met all other statutory and jurisdictional requirements. *Id.*

**In view of respondent’s concession and the evidence before me, the undersigned finds that petitioner is entitled to compensation.**

**IT IS SO ORDERED.**

**s/Nora Beth Dorsey**

Nora Beth Dorsey  
Chief Special Master